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6 MICHAEL SEAN HUBKEY,
7 Plaintiff,
8 v.
9 COMMISSIONER OF SOCIAL
SECURITY,
10 Defendant.

Case No. [18-cv-02280-JCS](#)

**ORDER TO FILE RESPONSE TO
MOTION FOR EAJA ATTORNEYS'
FEES**

Re: Dkt. No. 29

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12 After successfully obtaining remand for further administrative proceedings, Plaintiff
13 Michael Sean Hubkey moved on December 11, 2019 for attorneys' fees pursuant to the Equal
14 Access to Justice Act. *See* dkt. 29. Although Hubkey's attorney states in a declaration (Barasch
15 Decl. (dkt. 29-7) ¶ 6) and in a "Certificate of Meet and Confer" (dkt. 29-8) that the parties agreed
16 to settle the motion for a sum of \$5,500, the request is not presented as a stipulation and does not
17 include a signature from counsel for Defendant the Commissioner of Social Security (the
18 "Commissioner"). Nor has the Commissioner filed any response to the motion.

19 This Court's local rules require either an opposition brief to or a statement of non-
20 opposition to be filed within fourteen days of the filing of a motion. *See* Civ. L.R. 7-3(a), (b).
21 That deadline has passed, and no response has been filed. The Commissioner is ORDERED to
22 file a response to Hubkey's motion no later than February 18, 2020. If the Commissioner opposes
23 the motion and disputes Hubkey's representation that the parties reached a settlement, the
24 Commissioner must show good cause for his failure to meet the initial deadline for an opposition
25 brief.

26 **IT IS SO ORDERED.**

27 Dated: February 11, 2020


JOSEPH C. SPERO
Chief Magistrate Judge